

REMARKS

The Applicants' attorney spoke with the Examiner on September 12, 2003 regarding the rejection of the claims over the cited art. The Examiner indicated that distinguishing the gas flow device in the various claims from the prior art gas flow valves would result in the allowance of the claims. The present amendments to all the independent claims accomplish that objective, as described below.

Claims 1-23 are pending after the amendments. All amendments to the independent claims define the way in which the gas flow conductance is controlled, namely: wherein varying the gas flow conductance comprises "translating a feature substantially circumscribing a periphery of the substrate, forming a variable aperture." All independent claims now include this limitation. No new matter is added and no new issues are being raised by the amendments. One example of the claimed gas flow feature is described in the specification starting on page 21 and shown in Figs. 14-17. Added Claim 23 recites that the "feature" and the substrate have a common axis, as shown in Fig. 13.

The added claim language of "translating a feature substantially circumscribing a periphery of the substrate" is clearly not suggested by the gas flow valves used for the prior art process chambers. A valve is not controlled by "translating a feature substantially circumscribing a periphery of the substrate." Similarly, the gas flow controller of the Gruenwald patent 5,009,738 does not substantially circumscribe the substrate, and its gas flow control is by rotation, not translation.

Accordingly, the rejection of the claims over the combination of Sherman, Gruenwald, Suntola, Suzuki, and Tanaka has been overcome by the amendments.

DOUBLE PATENTING REJECTION

The Examiner rejected the claims under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 58-75 of co-pending application 09/902,080.

A terminal disclaimer is submitted along with this Response.

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Accordingly, it is respectfully submitted that the Examiner allow all claims. If the Examiner's next action is other than the allowance of the claims, the Examiner is respectfully requested to call Applicant's attorney at (408) 382-0480 x202.

Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

B. D. Ogonewsky 10/8/03
Signature Date

Respectfully submitted,

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